



# House of Representatives

General Assembly

**File No. 171**

February Session, 2006

House Bill No. 5215

*House of Representatives, March 28, 2006*

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## **AN ACT CONCERNING SEXUAL ASSAULT BY HYPNOTISTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (9) of section 53a-65 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2006*):

4 (9) "Psychotherapist" means a physician, psychologist, nurse,  
5 substance abuse counselor, social worker, clergyman, marital and  
6 family therapist, mental health service provider, hypnotist or other  
7 person, whether or not licensed or certified by the state, who performs  
8 or purports to perform psychotherapy.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2006</i>	53a-65(9)
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**JUD** Joint Favorable

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 06	FY 07
Judicial Dept.	GF - Potential Revenue Gain	Minimal	Minimal
Various Criminal Justice Agencies	GF - Cost	Potential	Potential

Note: GF=General Fund

**Municipal Impact:** None

#### **Explanation**

The bill could facilitate prosecution or increase the criminal penalties imposed on any hypnotist who engages in consensual sexual intercourse or contact with clients, provided certain statutory conditions are met. To the extent that offenders are subject to incarceration or probation supervision in the community as a result of the bill, a potential cost to criminal justice agencies exists. On average, it costs the state \$2,150 to supervise an offender on probation in the community as compared to \$35,040 to incarcerate the offender (note that both figures include fringe benefits). It is anticipated that any revenues generated from criminal fines would be minimal on an annual basis.

### **The Out Years**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$	FY 11 \$
Judicial Dept.	GF - Potential Revenue Gain	Minimal	Minimal	Minimal
Various Criminal Justice Agencies	GF - Cost	Potential	Potential	Potential

Note: GF=General Fund

**Municipal Impact:** None

**OLR Bill Analysis****HB 5215*****AN ACT CONCERNING SEXUAL ASSAULT BY HYPNOTISTS.*****SUMMARY:**

This bill makes it sexual assault for hypnotists to have consensual sexual intercourse or contact with clients under the same circumstances that currently apply to people performing or purporting to perform psychotherapy.

This conduct is 2<sup>nd</sup>-degree sexual assault when it involves sexual intercourse

1. with a client during a treatment session for a mental or emotional illness, symptom, or condition;
2. the hypnotist represents to be for legitimate treatment purposes; or
3. with a client or former client the hypnotist has reason to know is unable to withhold consent because of her emotional dependence on him.

By law, people convicted of this crime are subject to lifetime sex offender registration.

The bill also makes it 4<sup>th</sup>-degree sexual assault to have sexual contact with a client or former client under the circumstances listed above.

EFFECTIVE DATE: October 1, 2006

**PENALTIES AND FINES**

The table below lists penalties and fines for 2<sup>nd</sup>- and 4<sup>th</sup>-degree

sexual assault.

<b>Offense</b>	<b>Classification</b>	<b>Range of Sanctions</b>
2 <sup>nd</sup> -degree sexual assault; victim under age 16	Class B felony	At least 9 months and up to 20 years imprisonment, a fine of up to \$20,000, or both
2 <sup>nd</sup> -degree sexual assault; victim at least age 16	Class C felony	At least 9 months and up to 10 years imprisonment, a fine of up to \$10,000, or both
4 <sup>th</sup> -degree sexual assault; victim under age 16	Class D felony	Up to 5 years imprisonment, a fine of up to \$5,000, or both
4 <sup>th</sup> degree sexual assault; victim at least age 16	Class A misdemeanor	Up to 1 year imprisonment, a fine of up to \$2,000, or both

## **BACKGROUND**

### ***Related Bill***

HB 5671, reported favorably by the General Law Committee, requires hypnotists to register with the Department of Consumer Protection and to state that they are not sex offenders.

## **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 38 Nay 0 (03/13/2006)